



# Amesbury

Conservation Commissions

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## **Appeals Process under the Massachusetts Protection Act and the City of Amesbury Wetlands Ordinance**

### **Appeal under Massachusetts Wetlands Act**

The applicant, the owner, any person aggrieved by an Order of Conditions (Order), any owner of land abutting the land subject to this Order, or any ten residents of the city in which such land is located are hereby notified of their right to request the Massachusetts Department of Environmental Protection (MA DEP) Northeast Regional Office, Wetlands Division, 205B Lowell Street, Wilmington, MA, 01887 to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form as provide in 310 CMR 10.03(7) within ten business days from the date of issuance of the Order of Conditions. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Amesbury Conservation Commission, Amesbury City Hall, 62 Friend Street, Amesbury, MA 01913 and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order Associated with this appeal will be required to demonstrate prior participate in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Amesbury Conservation Commission prior to the close of the public hearing, requesting a Superseding Order of Conditions, or providing written information to the MA DEP prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on the Amesbury Wetlands Ordinance and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellant jurisdiction.

### **Appeal under Amesbury Wetlands Ordinance**

Pursuant to the Amesbury Wetlands Ordinance and the Amesbury Wetlands Regulations §14.00, any applicant, owner or abutter, any person aggrieved or any ten residents of the City of Amesbury may appeal an Order of Conditions of the Conservation Commission under the Ordinance to the Superior Court of Essex County within sixty days following the date of issuance of the order, in accordance with G.L. Ch. 249 §4.00. If an appeal under the Massachusetts Wetlands Protection Act is made to the Massachusetts Department of Environmental Protection regional office in Wilmington, MA within ten days of the issuance of the Order of Conditions, the 60-day appeal period under the Ordinance will be suspended during this period of appeal to MA DEP. Said appeal period under the Ordinance shall commence upon the date of issuance of a superseding order from MA DEP and shall continue for no more than sixty (60) days from that date, even if a further appeal has been made for a final order of conditions before a MA DEP adjudicatory hearing.